



Rep. John M. Cabello

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1 AMENDMENT TO HOUSE BILL 2610

2 AMENDMENT NO. _____. Amend House Bill 2610 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-5, 3-3-13, and 3-6-3 as follows:

6 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

7 Sec. 3-3-5. Hearing and Determination.

8 (a) The Prisoner Review Board shall meet as often as need
9 requires to consider the cases of persons eligible for parole
10 and aftercare release. Except as otherwise provided in
11 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,
12 the Prisoner Review Board may meet and order its actions in
13 panels of 3 or more members. The action of a majority of the
14 panel shall be the action of the Board. In consideration of
15 persons committed to the Department of Juvenile Justice, the
16 panel shall have at least a majority of members experienced in

1 juvenile matters.

2 (b) If the person under consideration for parole or
3 aftercare release is in the custody of the Department, at least
4 one member of the Board shall interview him or her, and a
5 report of that interview shall be available for the Board's
6 consideration. However, in the discretion of the Board, the
7 interview need not be conducted if a psychiatric examination
8 determines that the person could not meaningfully contribute to
9 the Board's consideration. The Board may in its discretion
10 parole or release on aftercare a person who is then outside the
11 jurisdiction on his or her record without an interview. The
12 Board need not hold a hearing or interview a person who is
13 paroled or released on aftercare under paragraphs (d) or (e) of
14 this Section or released on Mandatory release under Section
15 3-3-10.

16 (c) The Board shall not parole or release a person eligible
17 for parole or aftercare release if it determines that:

18 (1) there is a substantial risk that he or she will not
19 conform to reasonable conditions of parole or aftercare
20 release; or

21 (2) his or her release at that time would deprecate the
22 seriousness of his or her offense or promote disrespect for
23 the law; or

24 (3) his or her release would have a substantially
25 adverse effect on institutional discipline.

26 (c-5) In making its determination for parole under

1 paragraph (1) of subsection (a) of Section 3-3-2 of this Code,
2 the Board shall analyze the person's offense using the
3 depravity standard or other similarly standardized instrument
4 which is based on specific characteristics of the crime and
5 shall consider the score as part of its evaluation. No specific
6 score shall be considered as determinative and the evaluation
7 shall be considered in tandem with any risk assessment tool
8 which may be used.

9 (d) A person committed under the Juvenile Court Act or the
10 Juvenile Court Act of 1987 who has not been sooner released
11 shall be released on aftercare on or before his or her 20th
12 birthday to begin serving a period of aftercare release under
13 Section 3-3-8.

14 (e) A person who has served the maximum term of
15 imprisonment imposed at the time of sentencing less time credit
16 for good behavior shall be released on parole to serve a period
17 of parole under Section 5-8-1.

18 (f) The Board shall render its decision within a reasonable
19 time after hearing and shall state the basis therefor both in
20 the records of the Board and in written notice to the person on
21 whose application it has acted. In its decision, the Board
22 shall set the person's time for parole or aftercare release, or
23 if it denies parole or aftercare release it shall provide for a
24 rehearing not less frequently than once every year, except that
25 the Board may, after denying parole, schedule a rehearing no
26 later than 5 years from the date of the parole denial, if the

1 Board finds that it is not reasonable to expect that parole
2 would be granted at a hearing prior to the scheduled rehearing
3 date. If the Board shall parole or release a person, and, if he
4 or she is not released within 90 days from the effective date
5 of the order granting parole or aftercare release, the matter
6 shall be returned to the Board for review.

7 (f-1) If the Board paroles or releases a person who is
8 eligible for commitment as a sexually violent person, the
9 effective date of the Board's order shall be stayed for 90 days
10 for the purpose of evaluation and proceedings under the
11 Sexually Violent Persons Commitment Act.

12 (g) The Board shall maintain a registry of decisions in
13 which parole has been granted, which shall include the name and
14 case number of the prisoner, the highest charge for which the
15 prisoner was sentenced, the length of sentence imposed, the
16 date of the sentence, the date of the parole, and the basis for
17 the decision of the Board to grant parole and the vote of the
18 Board on any such decisions. The registry shall be made
19 available for public inspection and copying during business
20 hours and shall be a public record pursuant to the provisions
21 of the Freedom of Information Act.

22 (h) The Board shall promulgate rules regarding the exercise
23 of its discretion under this Section.

24 (Source: P.A. 97-522, eff. 1-1-12; 97-1075, eff. 8-24-12;
25 98-558, eff. 1-1-14.)

1 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

2 Sec. 3-3-13. Procedure for Executive Clemency.

3 (a) Petitions seeking pardon, commutation, or reprieve
4 shall be addressed to the Governor and filed with the Prisoner
5 Review Board. The petition shall be in writing and signed by
6 the person under conviction or by a person on his behalf. It
7 shall contain a brief history of the case, the reasons for
8 seeking executive clemency, and other relevant information the
9 Board may require.

10 (a-5) After a petition has been denied by the Governor, the
11 Board may not accept a repeat petition for executive clemency
12 for the same person until one full year has elapsed from the
13 date of the denial. The Chairman of the Board may waive the
14 one-year requirement if the petitioner offers in writing new
15 information that was unavailable to the petitioner at the time
16 of the filing of the prior petition and which the Chairman
17 determines to be significant. The Chairman also may waive the
18 one-year waiting period if the petitioner can show that a
19 change in circumstances of a compelling humanitarian nature has
20 arisen since the denial of the prior petition.

21 (b) Notice of the proposed application shall be given by
22 the Board to the committing court and the state's attorney of
23 the county where the conviction was had.

24 (c) The Board shall, if requested and upon due notice, give
25 a hearing to each application, allowing representation by
26 counsel, if desired, after which it shall confidentially advise

1 the Governor by a written report of its recommendations which
2 shall be determined by majority vote. The Board shall meet to
3 consider such petitions no less than 4 times each year.

4 Application for executive clemency under this Section may
5 not be commenced on behalf of a person who has been sentenced
6 to death without the written consent of the defendant, unless
7 the defendant, because of a mental or physical condition, is
8 incapable of asserting his or her own claim.

9 (c-5) In making its determination regarding the
10 suitability of a petitioner for relief under this Section, the
11 Board shall analyze the offense using the depravity standard or
12 other similarly standardized instrument which is based on
13 specific characteristics of the crime and shall consider the
14 score as part of its evaluation. No specific score shall be
15 considered as determinative and the evaluation shall be
16 considered in tandem with any risk assessment tool which may be
17 used.

18 (d) The Governor shall decide each application and
19 communicate his decision to the Board which shall notify the
20 petitioner.

21 In the event a petitioner who has been convicted of a Class
22 X felony is granted a release, after the Governor has
23 communicated such decision to the Board, the Board shall give
24 written notice to the Sheriff of the county from which the
25 offender was sentenced if such sheriff has requested that such
26 notice be given on a continuing basis. In cases where arrest of

1 the offender or the commission of the offense took place in any
2 municipality with a population of more than 10,000 persons, the
3 Board shall also give written notice to the proper law
4 enforcement agency for said municipality which has requested
5 notice on a continuing basis.

6 (e) Nothing in this Section shall be construed to limit the
7 power of the Governor under the constitution to grant a
8 reprieve, commutation of sentence, or pardon.

9 (Source: P.A. 89-112, eff. 7-7-95; 89-684, eff. 6-1-97.)

10 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

11 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

12 (a) (1) The Department of Corrections shall prescribe
13 rules and regulations for awarding and revoking sentence
14 credit for persons committed to the Department which shall
15 be subject to review by the Prisoner Review Board.

16 (1.5) As otherwise provided by law, sentence credit may
17 be awarded for the following:

18 (A) successful completion of programming while in
19 custody of the Department or while in custody prior to
20 sentencing;

21 (B) compliance with the rules and regulations of
22 the Department; or

23 (C) service to the institution, service to a
24 community, or service to the State.

25 (2) The rules and regulations on sentence credit shall

1 provide, with respect to offenses listed in clause (i),
2 (ii), or (iii) of this paragraph (2) committed on or after
3 June 19, 1998 or with respect to the offense listed in
4 clause (iv) of this paragraph (2) committed on or after
5 June 23, 2005 (the effective date of Public Act 94-71) or
6 with respect to offense listed in clause (vi) committed on
7 or after June 1, 2008 (the effective date of Public Act
8 95-625) or with respect to the offense of being an armed
9 habitual criminal committed on or after August 2, 2005 (the
10 effective date of Public Act 94-398) or with respect to the
11 offenses listed in clause (v) of this paragraph (2)
12 committed on or after August 13, 2007 (the effective date
13 of Public Act 95-134) or with respect to the offense of
14 aggravated domestic battery committed on or after July 23,
15 2010 (the effective date of Public Act 96-1224) or with
16 respect to the offense of attempt to commit terrorism
17 committed on or after January 1, 2013 (the effective date
18 of Public Act 97-990), the following:

19 (i) that a prisoner who is serving a term of
20 imprisonment for first degree murder or for the offense
21 of terrorism shall receive no sentence credit and shall
22 serve the entire sentence imposed by the court;

23 (ii) that a prisoner serving a sentence for attempt
24 to commit terrorism, attempt to commit first degree
25 murder, solicitation of murder, solicitation of murder
26 for hire, intentional homicide of an unborn child,

1 predatory criminal sexual assault of a child,
2 aggravated criminal sexual assault, criminal sexual
3 assault, aggravated kidnapping, aggravated battery
4 with a firearm as described in Section 12-4.2 or
5 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
6 Section 12-3.05, heinous battery as described in
7 Section 12-4.1 or subdivision (a)(2) of Section
8 12-3.05, being an armed habitual criminal, aggravated
9 battery of a senior citizen as described in Section
10 12-4.6 or subdivision (a)(4) of Section 12-3.05, or
11 aggravated battery of a child as described in Section
12 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall
13 receive no more than 4.5 days of sentence credit for
14 each month of his or her sentence of imprisonment;

15 (iii) that a prisoner serving a sentence for home
16 invasion, armed robbery, aggravated vehicular
17 hijacking, aggravated discharge of a firearm, or armed
18 violence with a category I weapon or category II
19 weapon, when the court has made and entered a finding,
20 pursuant to subsection (c-1) of Section 5-4-1 of this
21 Code, that the conduct leading to conviction for the
22 enumerated offense resulted in great bodily harm to a
23 victim, shall receive no more than 4.5 days of sentence
24 credit for each month of his or her sentence of
25 imprisonment;

26 (iv) that a prisoner serving a sentence for

1 aggravated discharge of a firearm, whether or not the
2 conduct leading to conviction for the offense resulted
3 in great bodily harm to the victim, shall receive no
4 more than 4.5 days of sentence credit for each month of
5 his or her sentence of imprisonment;

6 (v) that a person serving a sentence for
7 gunrunning, narcotics racketeering, controlled
8 substance trafficking, methamphetamine trafficking,
9 drug-induced homicide, aggravated
10 methamphetamine-related child endangerment, money
11 laundering pursuant to clause (c) (4) or (5) of Section
12 29B-1 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, or a Class X felony conviction for delivery of
14 a controlled substance, possession of a controlled
15 substance with intent to manufacture or deliver,
16 calculated criminal drug conspiracy, criminal drug
17 conspiracy, street gang criminal drug conspiracy,
18 participation in methamphetamine manufacturing,
19 aggravated participation in methamphetamine
20 manufacturing, delivery of methamphetamine, possession
21 with intent to deliver methamphetamine, aggravated
22 delivery of methamphetamine, aggravated possession
23 with intent to deliver methamphetamine,
24 methamphetamine conspiracy when the substance
25 containing the controlled substance or methamphetamine
26 is 100 grams or more shall receive no more than 7.5

1 days sentence credit for each month of his or her
2 sentence of imprisonment;

3 (vi) that a prisoner serving a sentence for a
4 second or subsequent offense of luring a minor shall
5 receive no more than 4.5 days of sentence credit for
6 each month of his or her sentence of imprisonment; and

7 (vii) that a prisoner serving a sentence for
8 aggravated domestic battery shall receive no more than
9 4.5 days of sentence credit for each month of his or
10 her sentence of imprisonment.

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or
14 after June 23, 2005 (the effective date of Public Act
15 94-71) or subdivision (a)(2)(v) committed on or after
16 August 13, 2007 (the effective date of Public Act 95-134)
17 or subdivision (a)(2)(vi) committed on or after June 1,
18 2008 (the effective date of Public Act 95-625) or
19 subdivision (a)(2)(vii) committed on or after July 23, 2010
20 (the effective date of Public Act 96-1224), and other than
21 the offense of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof as defined in
24 subparagraph (F) of paragraph (1) of subsection (d) of
25 Section 11-501 of the Illinois Vehicle Code, and other than
26 the offense of aggravated driving under the influence of

1 alcohol, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof as defined in
3 subparagraph (C) of paragraph (1) of subsection (d) of
4 Section 11-501 of the Illinois Vehicle Code committed on or
5 after January 1, 2011 (the effective date of Public Act
6 96-1230), the rules and regulations shall provide that a
7 prisoner who is serving a term of imprisonment shall
8 receive one day of sentence credit for each day of his or
9 her sentence of imprisonment or recommitment under Section
10 3-3-9. Each day of sentence credit shall reduce by one day
11 the prisoner's period of imprisonment or recommitment
12 under Section 3-3-9.

13 (2.2) A prisoner serving a term of natural life
14 imprisonment or a prisoner who has been sentenced to death
15 shall receive no sentence credit.

16 (2.3) The rules and regulations on sentence credit
17 shall provide that a prisoner who is serving a sentence for
18 aggravated driving under the influence of alcohol, other
19 drug or drugs, or intoxicating compound or compounds, or
20 any combination thereof as defined in subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code, shall receive no more than 4.5 days
23 of sentence credit for each month of his or her sentence of
24 imprisonment.

25 (2.4) The rules and regulations on sentence credit
26 shall provide with respect to the offenses of aggravated

1 battery with a machine gun or a firearm equipped with any
2 device or attachment designed or used for silencing the
3 report of a firearm or aggravated discharge of a machine
4 gun or a firearm equipped with any device or attachment
5 designed or used for silencing the report of a firearm,
6 committed on or after July 15, 1999 (the effective date of
7 Public Act 91-121), that a prisoner serving a sentence for
8 any of these offenses shall receive no more than 4.5 days
9 of sentence credit for each month of his or her sentence of
10 imprisonment.

11 (2.5) The rules and regulations on sentence credit
12 shall provide that a prisoner who is serving a sentence for
13 aggravated arson committed on or after July 27, 2001 (the
14 effective date of Public Act 92-176) shall receive no more
15 than 4.5 days of sentence credit for each month of his or
16 her sentence of imprisonment.

17 (2.6) The rules and regulations on sentence credit
18 shall provide that a prisoner who is serving a sentence for
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds or any
21 combination thereof as defined in subparagraph (C) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code committed on or after January 1, 2011
24 (the effective date of Public Act 96-1230) shall receive no
25 more than 4.5 days of sentence credit for each month of his
26 or her sentence of imprisonment.

1 (3) The rules and regulations shall also provide that
2 the Director may award up to 180 days additional sentence
3 credit for good conduct in specific instances as the
4 Director deems proper. The good conduct may include, but is
5 not limited to, compliance with the rules and regulations
6 of the Department, service to the Department, service to a
7 community, or service to the State. However, the Director
8 shall not award more than 90 days of sentence credit for
9 good conduct to any prisoner who is serving a sentence for
10 conviction of first degree murder, reckless homicide while
11 under the influence of alcohol or any other drug, or
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof as defined in subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
17 predatory criminal sexual assault of a child, aggravated
18 criminal sexual assault, criminal sexual assault, deviate
19 sexual assault, aggravated criminal sexual abuse,
20 aggravated indecent liberties with a child, indecent
21 liberties with a child, child pornography, heinous battery
22 as described in Section 12-4.1 or subdivision (a)(2) of
23 Section 12-3.05, aggravated battery of a spouse,
24 aggravated battery of a spouse with a firearm, stalking,
25 aggravated stalking, aggravated battery of a child as
26 described in Section 12-4.3 or subdivision (b)(1) of

1 Section 12-3.05, endangering the life or health of a child,
2 or cruelty to a child. Notwithstanding the foregoing,
3 sentence credit for good conduct shall not be awarded on a
4 sentence of imprisonment imposed for conviction of: (i) one
5 of the offenses enumerated in subdivision (a)(2)(i), (ii),
6 or (iii) when the offense is committed on or after June 19,
7 1998 or subdivision (a)(2)(iv) when the offense is
8 committed on or after June 23, 2005 (the effective date of
9 Public Act 94-71) or subdivision (a)(2)(v) when the offense
10 is committed on or after August 13, 2007 (the effective
11 date of Public Act 95-134) or subdivision (a)(2)(vi) when
12 the offense is committed on or after June 1, 2008 (the
13 effective date of Public Act 95-625) or subdivision
14 (a)(2)(vii) when the offense is committed on or after July
15 23, 2010 (the effective date of Public Act 96-1224), (ii)
16 aggravated driving under the influence of alcohol, other
17 drug or drugs, or intoxicating compound or compounds, or
18 any combination thereof as defined in subparagraph (F) of
19 paragraph (1) of subsection (d) of Section 11-501 of the
20 Illinois Vehicle Code, (iii) one of the offenses enumerated
21 in subdivision (a)(2.4) when the offense is committed on or
22 after July 15, 1999 (the effective date of Public Act
23 91-121), (iv) aggravated arson when the offense is
24 committed on or after July 27, 2001 (the effective date of
25 Public Act 92-176), (v) offenses that may subject the
26 offender to commitment under the Sexually Violent Persons

1 Commitment Act, or (vi) aggravated driving under the
2 influence of alcohol, other drug or drugs, or intoxicating
3 compound or compounds or any combination thereof as defined
4 in subparagraph (C) of paragraph (1) of subsection (d) of
5 Section 11-501 of the Illinois Vehicle Code committed on or
6 after January 1, 2011 (the effective date of Public Act
7 96-1230).

8 Eligible inmates for an award of sentence credit under this
9 paragraph (3) may be selected to receive the credit at the
10 Director's or his or her designee's sole discretion.
11 Consideration may be based on, but not limited to, any
12 available risk assessment analysis on the inmate, any history
13 of conviction for violent crimes as defined by the Rights of
14 Crime Victims and Witnesses Act, facts and circumstances of the
15 inmate's holding offense or offenses, and the potential for
16 rehabilitation.

17 The Director shall not award sentence credit under this
18 paragraph (3) to an inmate unless the inmate has served a
19 minimum of 60 days of the sentence; except nothing in this
20 paragraph shall be construed to permit the Director to extend
21 an inmate's sentence beyond that which was imposed by the
22 court. Prior to awarding credit under this paragraph (3), the
23 Director shall make a written determination that the inmate:

24 (A) is eligible for the sentence credit;

25 (B) has served a minimum of 60 days, or as close to
26 60 days as the sentence will allow; and

1 (C) has met the eligibility criteria established
2 by rule.

3 The Director shall determine the form and content of
4 the written determination required in this subsection.

5 (3.5) The Department shall provide annual written
6 reports to the Governor and the General Assembly on the
7 award of sentence credit for good conduct, with the first
8 report due January 1, 2014. The Department must publish
9 both reports on its website within 48 hours of transmitting
10 the reports to the Governor and the General Assembly. The
11 reports must include:

12 (A) the number of inmates awarded sentence credit
13 for good conduct;

14 (B) the average amount of sentence credit for good
15 conduct awarded;

16 (C) the holding offenses of inmates awarded
17 sentence credit for good conduct; and

18 (D) the number of sentence credit for good conduct
19 revocations.

20 (4) The rules and regulations shall also provide that
21 the sentence credit accumulated and retained under
22 paragraph (2.1) of subsection (a) of this Section by any
23 inmate during specific periods of time in which such inmate
24 is engaged full-time in substance abuse programs,
25 correctional industry assignments, educational programs,
26 behavior modification programs, life skills courses, or

1 re-entry planning provided by the Department under this
2 paragraph (4) and satisfactorily completes the assigned
3 program as determined by the standards of the Department,
4 shall be multiplied by a factor of 1.25 for program
5 participation before August 11, 1993 and 1.50 for program
6 participation on or after that date. The rules and
7 regulations shall also provide that sentence credit,
8 subject to the same offense limits and multiplier provided
9 in this paragraph, may be provided to an inmate who was
10 held in pre-trial detention prior to his or her current
11 commitment to the Department of Corrections and
12 successfully completed a full-time, 60-day or longer
13 substance abuse program, educational program, behavior
14 modification program, life skills course, or re-entry
15 planning provided by the county department of corrections
16 or county jail. Calculation of this county program credit
17 shall be done at sentencing as provided in Section
18 5-4.5-100 of this Code and shall be included in the
19 sentencing order. However, no inmate shall be eligible for
20 the additional sentence credit under this paragraph (4) or
21 (4.1) of this subsection (a) while assigned to a boot camp
22 or electronic detention, or if convicted of an offense
23 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
24 Section that is committed on or after June 19, 1998 or
25 subdivision (a)(2)(iv) of this Section that is committed on
26 or after June 23, 2005 (the effective date of Public Act

1 94-71) or subdivision (a)(2)(v) of this Section that is
2 committed on or after August 13, 2007 (the effective date
3 of Public Act 95-134) or subdivision (a)(2)(vi) when the
4 offense is committed on or after June 1, 2008 (the
5 effective date of Public Act 95-625) or subdivision
6 (a)(2)(vii) when the offense is committed on or after July
7 23, 2010 (the effective date of Public Act 96-1224), or if
8 convicted of aggravated driving under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds or any combination thereof as defined in
11 subparagraph (F) of paragraph (1) of subsection (d) of
12 Section 11-501 of the Illinois Vehicle Code, or if
13 convicted of aggravated driving under the influence of
14 alcohol, other drug or drugs, or intoxicating compound or
15 compounds or any combination thereof as defined in
16 subparagraph (C) of paragraph (1) of subsection (d) of
17 Section 11-501 of the Illinois Vehicle Code committed on or
18 after January 1, 2011 (the effective date of Public Act
19 96-1230), or if convicted of an offense enumerated in
20 paragraph (a)(2.4) of this Section that is committed on or
21 after July 15, 1999 (the effective date of Public Act
22 91-121), or first degree murder, a Class X felony, criminal
23 sexual assault, felony criminal sexual abuse, aggravated
24 criminal sexual abuse, aggravated battery with a firearm as
25 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
26 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or

1 successor offenses with the same or substantially the same
2 elements, or any inchoate offenses relating to the
3 foregoing offenses. No inmate shall be eligible for the
4 additional good conduct credit under this paragraph (4) who
5 (i) has previously received increased good conduct credit
6 under this paragraph (4) and has subsequently been
7 convicted of a felony, or (ii) has previously served more
8 than one prior sentence of imprisonment for a felony in an
9 adult correctional facility.

10 Educational, vocational, substance abuse, behavior
11 modification programs, life skills courses, re-entry
12 planning, and correctional industry programs under which
13 sentence credit may be increased under this paragraph (4)
14 and paragraph (4.1) of this subsection (a) shall be
15 evaluated by the Department on the basis of documented
16 standards. The Department shall report the results of these
17 evaluations to the Governor and the General Assembly by
18 September 30th of each year. The reports shall include data
19 relating to the recidivism rate among program
20 participants.

21 Availability of these programs shall be subject to the
22 limits of fiscal resources appropriated by the General
23 Assembly for these purposes. Eligible inmates who are
24 denied immediate admission shall be placed on a waiting
25 list under criteria established by the Department. The
26 inability of any inmate to become engaged in any such

1 programs by reason of insufficient program resources or for
2 any other reason established under the rules and
3 regulations of the Department shall not be deemed a cause
4 of action under which the Department or any employee or
5 agent of the Department shall be liable for damages to the
6 inmate.

7 (4.1) The rules and regulations shall also provide that
8 an additional 60 days of sentence credit shall be awarded
9 to any prisoner who passes high school equivalency testing
10 while the prisoner is committed to the Department of
11 Corrections. The sentence credit awarded under this
12 paragraph (4.1) shall be in addition to, and shall not
13 affect, the award of sentence credit under any other
14 paragraph of this Section, but shall also be pursuant to
15 the guidelines and restrictions set forth in paragraph (4)
16 of subsection (a) of this Section. The sentence credit
17 provided for in this paragraph shall be available only to
18 those prisoners who have not previously earned a high
19 school diploma or a high school equivalency certificate.
20 If, after an award of the high school equivalency testing
21 sentence credit has been made, the Department determines
22 that the prisoner was not eligible, then the award shall be
23 revoked. The Department may also award 60 days of sentence
24 credit to any committed person who passed high school
25 equivalency testing while he or she was held in pre-trial
26 detention prior to the current commitment to the Department

1 of Corrections.

2 (4.5) The rules and regulations on sentence credit
3 shall also provide that when the court's sentencing order
4 recommends a prisoner for substance abuse treatment and the
5 crime was committed on or after September 1, 2003 (the
6 effective date of Public Act 93-354), the prisoner shall
7 receive no sentence credit awarded under clause (3) of this
8 subsection (a) unless he or she participates in and
9 completes a substance abuse treatment program. The
10 Director may waive the requirement to participate in or
11 complete a substance abuse treatment program and award the
12 sentence credit in specific instances if the prisoner is
13 not a good candidate for a substance abuse treatment
14 program for medical, programming, or operational reasons.
15 Availability of substance abuse treatment shall be subject
16 to the limits of fiscal resources appropriated by the
17 General Assembly for these purposes. If treatment is not
18 available and the requirement to participate and complete
19 the treatment has not been waived by the Director, the
20 prisoner shall be placed on a waiting list under criteria
21 established by the Department. The Director may allow a
22 prisoner placed on a waiting list to participate in and
23 complete a substance abuse education class or attend
24 substance abuse self-help meetings in lieu of a substance
25 abuse treatment program. A prisoner on a waiting list who
26 is not placed in a substance abuse program prior to release

1 may be eligible for a waiver and receive sentence credit
2 under clause (3) of this subsection (a) at the discretion
3 of the Director.

4 (4.6) The rules and regulations on sentence credit
5 shall also provide that a prisoner who has been convicted
6 of a sex offense as defined in Section 2 of the Sex
7 Offender Registration Act shall receive no sentence credit
8 unless he or she either has successfully completed or is
9 participating in sex offender treatment as defined by the
10 Sex Offender Management Board. However, prisoners who are
11 waiting to receive treatment, but who are unable to do so
12 due solely to the lack of resources on the part of the
13 Department, may, at the Director's sole discretion, be
14 awarded sentence credit at a rate as the Director shall
15 determine.

16 (5) Whenever the Department is to release any inmate
17 earlier than it otherwise would because of a grant of
18 sentence credit for good conduct under paragraph (3) of
19 subsection (a) of this Section given at any time during the
20 term, the Department shall give reasonable notice of the
21 impending release not less than 14 days prior to the date
22 of the release to the State's Attorney of the county where
23 the prosecution of the inmate took place, and if
24 applicable, the State's Attorney of the county into which
25 the inmate will be released. The Department must also make
26 identification information and a recent photo of the inmate

1 being released accessible on the Internet by means of a
2 hyperlink labeled "Community Notification of Inmate Early
3 Release" on the Department's World Wide Web homepage. The
4 identification information shall include the inmate's:
5 name, any known alias, date of birth, physical
6 characteristics, residence address, commitment offense and
7 county where conviction was imposed. The identification
8 information shall be placed on the website within 3 days of
9 the inmate's release and the information may not be removed
10 until either: completion of the first year of mandatory
11 supervised release or return of the inmate to custody of
12 the Department.

13 (b) Whenever a person is or has been committed under
14 several convictions, with separate sentences, the sentences
15 shall be construed under Section 5-8-4 in granting and
16 forfeiting of sentence credit.

17 (c) The Department shall prescribe rules and regulations
18 for revoking sentence credit, including revoking sentence
19 credit awarded for good conduct under paragraph (3) of
20 subsection (a) of this Section. The Department shall prescribe
21 rules and regulations for suspending or reducing the rate of
22 accumulation of sentence credit for specific rule violations,
23 during imprisonment. These rules and regulations shall provide
24 that no inmate may be penalized more than one year of sentence
25 credit for any one infraction.

26 When the Department seeks to revoke, suspend or reduce the

1 rate of accumulation of any sentence credits for an alleged
2 infraction of its rules, it shall bring charges therefor
3 against the prisoner sought to be so deprived of sentence
4 credits before the Prisoner Review Board as provided in
5 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
6 amount of credit at issue exceeds 30 days or when during any 12
7 month period, the cumulative amount of credit revoked exceeds
8 30 days except where the infraction is committed or discovered
9 within 60 days of scheduled release. In those cases, the
10 Department of Corrections may revoke up to 30 days of sentence
11 credit. The Board may subsequently approve the revocation of
12 additional sentence credit, if the Department seeks to revoke
13 sentence credit in excess of 30 days. However, the Board shall
14 not be empowered to review the Department's decision with
15 respect to the loss of 30 days of sentence credit within any
16 calendar year for any prisoner or to increase any penalty
17 beyond the length requested by the Department.

18 The Prisoner Review Board in making its determination for
19 revocation of sentence credits under paragraph (4) of
20 subsection (a) of Section 3-3-2 of this Code for a violation of
21 Department rules occurring on or after the effective date of
22 this amendatory Act of the 99th General Assembly, shall analyze
23 the person's offense using the depravity standard or other
24 similarly standardized instrument which is based on specific
25 characteristics of the crime and shall consider the score as
26 part of its evaluation. No specific score shall be considered

1 as determinative and the evaluation shall be considered in
2 tandem with any risk assessment tool which may be used.

3 The Director of the Department of Corrections, in
4 appropriate cases, may restore up to 30 days of sentence
5 credits which have been revoked, suspended or reduced. Any
6 restoration of sentence credits in excess of 30 days shall be
7 subject to review by the Prisoner Review Board. However, the
8 Board may not restore sentence credit in excess of the amount
9 requested by the Director.

10 Nothing contained in this Section shall prohibit the
11 Prisoner Review Board from ordering, pursuant to Section
12 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
13 sentence imposed by the court that was not served due to the
14 accumulation of sentence credit.

15 (d) If a lawsuit is filed by a prisoner in an Illinois or
16 federal court against the State, the Department of Corrections,
17 or the Prisoner Review Board, or against any of their officers
18 or employees, and the court makes a specific finding that a
19 pleading, motion, or other paper filed by the prisoner is
20 frivolous, the Department of Corrections shall conduct a
21 hearing to revoke up to 180 days of sentence credit by bringing
22 charges against the prisoner sought to be deprived of the
23 sentence credits before the Prisoner Review Board as provided
24 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
25 prisoner has not accumulated 180 days of sentence credit at the
26 time of the finding, then the Prisoner Review Board may revoke

1 all sentence credit accumulated by the prisoner.

2 For purposes of this subsection (d):

3 (1) "Frivolous" means that a pleading, motion, or other
4 filing which purports to be a legal document filed by a
5 prisoner in his or her lawsuit meets any or all of the
6 following criteria:

7 (A) it lacks an arguable basis either in law or in
8 fact;

9 (B) it is being presented for any improper purpose,
10 such as to harass or to cause unnecessary delay or
11 needless increase in the cost of litigation;

12 (C) the claims, defenses, and other legal
13 contentions therein are not warranted by existing law
14 or by a nonfrivolous argument for the extension,
15 modification, or reversal of existing law or the
16 establishment of new law;

17 (D) the allegations and other factual contentions
18 do not have evidentiary support or, if specifically so
19 identified, are not likely to have evidentiary support
20 after a reasonable opportunity for further
21 investigation or discovery; or

22 (E) the denials of factual contentions are not
23 warranted on the evidence, or if specifically so
24 identified, are not reasonably based on a lack of
25 information or belief.

26 (2) "Lawsuit" means a motion pursuant to Section 116-3

1 of the Code of Criminal Procedure of 1963, a habeas corpus
2 action under Article X of the Code of Civil Procedure or
3 under federal law (28 U.S.C. 2254), a petition for claim
4 under the Court of Claims Act, an action under the federal
5 Civil Rights Act (42 U.S.C. 1983), or a second or
6 subsequent petition for post-conviction relief under
7 Article 122 of the Code of Criminal Procedure of 1963
8 whether filed with or without leave of court or a second or
9 subsequent petition for relief from judgment under Section
10 2-1401 of the Code of Civil Procedure.

11 (e) Nothing in Public Act 90-592 or 90-593 affects the
12 validity of Public Act 89-404.

13 (f) Whenever the Department is to release any inmate who
14 has been convicted of a violation of an order of protection
15 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, earlier than it otherwise would
17 because of a grant of sentence credit, the Department, as a
18 condition of release, shall require that the person, upon
19 release, be placed under electronic surveillance as provided in
20 Section 5-8A-7 of this Code.

21 (Source: P.A. 97-333, eff. 8-12-11; 97-697, eff. 6-22-12;
22 97-990, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
23 1-1-15.)".